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10/085,411	02/28/2002	Douglas Richard Luehrs	A-7295	3215

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EXAMINER	
NEWLIN, TIMOTHY R	

ART UNIT	PAPER NUMBER
2623	

NOTIFICATION DATE	DELIVERY MODE
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

PTOmail@sciatl.com

Office Action Summary	Application No.	Applicant(s)	
	10/085,411	LUEHRS, DOUGLAS RICHARD	
	Examiner	Art Unit	
	Timothy R. Newlin	2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *26 March 2008*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *98-125* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *98-125* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

Applicant's arguments filed 3/26/2008 have been fully considered but they are not persuasive.

With respect to claims 98-111, the arguments made in the response are moot in view of the new ground(s) of rejection.

With respect to claims 112-124, the Applicant argues that Herrington does not teach showing an icon simultaneously with media content. However, this deficiency was explicitly acknowledged in the previous Office Action, and claim 13 was nonetheless rejected based on a *prima facie* case of obviousness rather than anticipation. The response does not traverse the §103 grounds of rejection and therefore the original rejection stands, as further clarified below in the rejection of claim 112.

With respect to claims 125-129, the examiner understands the distinctions that the Applicant draws between Herrington and the claimed invention. However, the language of claim 125 itself is not as specific or limited as the description provided on pages 11-12 of the response. It is the Office position that as written, claims 125-129 read on Herrington as described in the rejection below.

Examiner also notes that claims 98-102, 112-129 use the phrase "enables an administrator to positively define," presumably to distinguish the claims over references that describe a "blocking" or "prohibiting" function instead, such as Herrington. However

the Office interprets such references to allow a positive definition. When a parent blocks certain programs or times out of an available programming set, they are inherently allowing the programs or times they choose not to block. The exact same result is accomplished whether the parent's action is described as "blocking" or "allowing"; therefore the function is anticipated by Herrington as applied to claims 112-129 as described below.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 98-102 are rejected under 35 U.S.C. 102(b) as being anticipated by Brian et al., US 5,548,345.

3. Regarding claim 98, Brian discloses a method for controlling viewer access to media content, comprising:

providing interactive user interfaces on a screen that enables an administrator to positively define media content for access by a user, the media content enabled for access upon a first non-temporal factor **[parents can allow or block channels, col. 2, 1-4, col. 7, 37-52]** and approved for access during an approved time interval **[col. 7, 37-52]**; and

permanently recording to a personal video recording device media content that is enabled for access if provided during the approved time interval **[col. 3, 50-56; col. 8, 55-56]** but is presented in real-time at a time that falls outside the approved time interval **[child would not be able to view recorded programs that are originally presented outside an authorized time interval (whether the interval is defined as a time of day or an amount of hours per day), but could view the program within an authorized time interval, insofar as the VCR input is controlled by system, cols. 5-6, 60-2; col. 7, 44-47]**, to allow later access to the recorded media content during the approved time interval **[col. 7, 35-38]**.

4. Regarding claim 99, Brian discloses a method further comprising enabling access to the recorded media content during the approved time interval **[cols. 5-6, 60-2; col. 7, 35-38]**.

5. Regarding claim 100, Brian discloses a method further comprising, the step of determining whether the media content falls outside of the approved time interval **[step 516, Fig. 5, col. 7, 13-16; col. 9, 55-60]**.

6. Regarding claim 101, Brian discloses a method further comprising:

providing a warning barker disclosing a time conflict between, the approved time interval and the real-time presentation of the media content **[warning message is displayed, col. 7, 44-47]**.

7. Regarding claim 102, Brian discloses a method further comprising providing the user with an option to record the media content **[col. 3, 50-52]**.

8. Claims 110 and 11 are rejected under 35 U.S.C. 102(e) as being anticipated by Ellis et al., US 2004/0175121.

9. Regarding claim 110, Ellis discloses a method for controlling viewer access to media content, comprising:

determining an authorization level assigned to a user **[paras. 48-53]**; and

providing a redacted interactive program guide showing blocks representing media content, wherein only blocks associated with media content enabled for the user's authorization level are displayed **[paras. 55-59]**.

10. Regarding claim 111, The method of claim 110, wherein blocks associated with media content not enabled for the user's authorization level are shown blocked out

[e.g., titles XXX-1 and XXX-2 are "blocked out" with an area merely listing "Spice in the Evening"].

Claim Rejections - 35 USC § 103

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

12. Claim 103-109 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brian as cited above in view of Kim et al., US 6,209,131.

13. Regarding claim 103, Brian discloses a method for controlling viewer access to media content, comprising;

providing interactive user interfaces on a screen that enables an administrator to define media content for access by a user **[Fig. 7]**.

Brian does not include a screen showing recent updates to program information. Kim discloses displaying updates to media content to the administrator, the updates comprising only changes to the media content **[Figs. 3 and 4, col. 7, 1-18]**. Kim also states that one motivation for displaying updated information is to address the situation when a program has been reserved for recording and then is rescheduled or cancelled **[col. 1, 60-63]**. This is analogous to the problem in the claimed invention wherein a

parent may define access parameters and the underlying program schedule changes. Given the suggestion by Kim, it would have been obvious to one skilled in the art of program guides that Brian could be modified to incorporate the information update display of Kim, in order to prevent confusion and conveniently inform an administrator that their settings may need to be changed.

14. Regarding claims 104 and 105, Brian discloses a method further comprising determining and storing when the media content was last defined for access **[col. 7, 11-16]**.

15. Regarding claim 106, Kim discloses a method wherein the updates are displayed on an update screen **[Fig. 4]**.

16. Regarding claim 107, neither reference teaches a banner per se. However, official notice is taken that the use of a banner-type display was well-known and common in the art of graphical user displays at the time of invention. It would have been obvious to one skilled in the art that new or updated schedule information could be displayed via a banner, rather than adding an icon as shown in Fig. 4 of Kim. Depending on the chosen shape of the program guide itself, a banner shape could be more fitting.

17. Regarding claim 108, Kim discloses a method wherein the updates relate to pay per view content **[col. 1, 23-27]**.

18. Regarding claim 109, Kim refers specifically to new programs, but not new channels. However, it is clear that the EPG contains channel information **[Fig. 1, col. 1, 23-24]**. Futhermore, official notice is taken that it was well-known that broadcasters added or removed channels from the lineup occasionally. Given that fact and the updating scheme of Kim, it would have been obvious to one skilled in the art to modify Kim to track channel updates as well as program updates, in order to notify users when a new channel needs to be either allowed or blocked.

19. Claims 112-129 are rejected under 35 U.S.C. 103(a) as being unpatentable over Herrington et al., US 6,922,843.

20. Regarding claim 112, Herrington discloses a method for controlling viewer access to media content, comprising:

providing interactive user interfaces on a screen that enables an administrator to positively define media content for access by a user for a designated authorization level **[e.g., Figs. 4A and 4B]**;

enabling the user to access media content enabled for a first authorization level **[certain users are authorized to view R rated movies, e.g. Fig. 18A]**;

displaying media content enabled for the first authorization level on a display screen **[video of R-rated movie, e.g. Apolcalypse Now, is displayed when authorized user enters code, Fig. 18C]**.

Herrington does not show a lock indication on the video screen itself. However, Herrington does allow a user to receive a quick indication of whether the media content is enabled for other users, simply by pressing the lock key **[Fig. 16, col. 16, 12-16]**. A black lock icon appears on the next screen (254) to indicate if the program is locked for a second user authorization level. Given the suggestion that a user may want to quickly view the lock status of a displayed video, it would have been obvious to one of ordinary skill that the lock icon could be superimposed on the video itself so the user would not have to press the lock key to view the icon. Herrington already is capable of superimposing graphics on a television, and the removal of an extra step, in this case a simple button press, could be readily implemented by one of ordinary skill. The core functionality of quickly conveying lock status is not significantly changed, and the result of a simultaneous display is entirely predictable.

21. Regarding claim 113, official notice is taken that placing icons in the corner of a video display was a widespread practice at the time of invention. The obvious purpose is to avoid blocking the content itself, while still conveying information with an icon. It would have been obvious to locate a lock status icon in the corner of the screen.

22. Regarding claim 114, Herrington discloses a method wherein the media content is displayed in real-time **[Fig. 18 demonstrates a real-time broadcast channel in which one movie ends and another begins]**.

23. Regarding claims 115 and 117, Herrington discloses a method wherein the icon comprises a parental control icon and/or lock **[black lock icon, Fig. 16]**.

24. Regarding claim 116, Herrington discloses a method wherein the first authorization level is an administrative authorization level **[parental level,** and the second authorization level is a child authorization level **[example given in Fig. 16 involves a parent, who is authorized to view Apocalypse now, setting a second authorization level, e.g. for a child, col. 16, 10-22; col. 1, 60-65; also see claim 2]**.

25. Regarding claim 118, Herrington discloses a method further comprising allowing the user to enable the media content for the second authorization level **[example given in Fig. 16 involves a parent, who is authorized to view Apocalypse now, setting a second authorization level, e.g. for a child, col. 16, 10-22]**.

26. Regarding claim 119, Herrington discloses a method further comprising displaying an approval screen to the user to allow the user to enable the media content for the second authorization level **[e.g., "accept selections, Fig. 4B]**.

27. Regarding claim 120, Herrington discloses a method further comprising receiving an input from the user **[Fig 4B, "user selects…"]**.

28. Regarding claim 121, Herrington discloses a method further comprising enabling the media content for the second authorization level **[e.g. enabling content with certain ratings, or enabling pay-per-view content, Fig 4B]**.

29. Regarding claim 122, Herrington discloses a method further comprising displaying an approval screen to the user to allow the user to disable the media content for the second authorization level **[e.g., "accept selections, Fig. 4B]**.

30. Regarding claim 123, Herrington discloses a method further comprising disabling the media Content for the second authorization level **[e.g., disabling a specific title on screen 145, Fig. 4B]**.

31. Regarding claim 124, Herrington discloses a method further comprising displaying an indicator near the icon, the indicator indicating a button to press on a remote control to display an approval screen to enable the media content for the second authorization level **[e.g., col. 14, 24-29]**.

32. Regarding claim 125, Herrington discloses a method for controlling viewer access to media content, comprising:

providing interactive user interfaces on a screen that enables an administrator to positively define media content for a plurality of authorization levels **[Fig. 5a]**; and

displaying an interactive authorization level linking screen **[e.g. screen area 157, Fig. 5A]**, the interactive-authorization level linking screen showing a first authorization level **[e.g., user 2, with non-parent level access]** and a second authorization level **[e.g., user 1, with parent level access]** and an indication of whether media content enabled for the second authorization level is enabled for the first authorization level **[screen displays whether each authorization level is enabled for full parental media content rights or "more limited access" to media content, Fig. 5A, col. 11, 48-57]**.

Herrington does not use an icon to show whether media content is enabled for the respective authorization levels, instead using simply "parent" or "non-parent" under a "Type" heading **[Fig. 5A]**. Herrington also uses icons in a number of other places within the user interfaces **[e.g. screen 153, Fig. 5B]**. Given the disclosure of icons by Herrington and the disclosed indication of authorization level, one of ordinary skill could have readily and obviously modified Herrington to use an icon to convey whether media content is enabled for a respective user on a screen such as 157 in Fig. 5A. Using an icon rather than text makes more efficient use of limited screen space and can provide an intuitive and therefore quick recognition of information by a user.

33. Regarding claim 126, Herrington discloses a method further comprising linking the first authorization level with the second authorization level to enable for the first authorization level media content previously enabled for the second authorization level **[a user with pre-existing parental rights (e.g. user 1) may "link" a new user (e.g. user 3) to the same authorization level having parental rights, via the account type selector 154, Fig. 5A, col. 11, 48-57]**.

34. Regarding claim 127, Herrington discloses a method wherein the authorization levels are provided in order of authorization level rank **[screens 148 and 158 lists authorization levels beginning with "parent" before "non-parent," i.e. the accounts are ranked by access level]**.

35. Regarding claim 128, Herrington discloses a method wherein the step of displaying an interactive authorization level linking screen to a user comprises displaying a plurality of user authorization levels and an associated include block indicating which authorization levels are linked to the first authorization level **[area 157 in Fig. 5A lists what authorization levels are linked to the same parental rights via the Type column]**.

36. Regarding claim 129, Herrington discloses a method further comprising receiving a user input to determine whether to link the authorization levels **[user uses interface shown in Fig. 5A, among others, to provide user input]**.

Conclusion

37. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL.** See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Timothy R. Newlin whose telephone number is (571) 270-3015. The examiner can normally be reached on M-F, 8-5 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Kelley can be reached on (571) 272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Chris Kelley/
Supervisory Patent Examiner, Art Unit 2623

TRN